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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,319	03/02/2004	Robert D. Kross	K15-018US	1807
7590	04/05/2005		EXAMINER	
Henry D. Coleman 714 Colorado Avenue Bridgeport, CT 06605-1601				KUHNS, SARAH LOUISE
		ART UNIT	PAPER NUMBER	
		1761		

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/791,319	KROSS, ROBERT D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sarah L Kuhns	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 February 2005.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 2-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 2, 5, 8, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell, U.S. Patent 6,210,730, for the reasons set forth in the last office action. With regard to the use of the terms, "carcass" and "carcass sections," the examiner has interpreted these terms to be synonymous with meat since the source of meat is carcass or carcass sections.

Claims 2, 5, 7, 9, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al., JP 61104773 A, for the reasons set forth in the last office action.

***Claim Rejections - 35 USC § 103***

Claims 3, 4, 6, 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita, as applied to claims 2, 5, 7, 9, 14, and 16 above, in view of Kross, U.S. Patent 5,389,390, for the reasons set forth in the last office action.

***Response to Arguments***

Applicant's arguments filed February 28, 2005, have been fully considered but they are not persuasive.

Applicant argues that Mitchell discloses a method for treating containerized foods, not meat carcasses. However, the examiner has interpreted the terms, "carcass" and "carcass sections," to be synonymous with meat since the source of meat is carcass or carcass sections. Further, the claim language does not exclude treatment of meat within a container.

Applicant argues that Fujita does not disclose the use of the method in a meat processing method. The examiner disagrees with Applicant and directs attention to the last few lines of the abstract of Fujita, which clearly state that the process can be applied to fresh fish, meat, and processed meat as well as vegetables. Although Fujita does not expressly address the issue of meat discoloration, it is inherent that discoloration will be reduced since the process steps are the same as those of Applicant. Applicant also states that Fujita's method is directed to disinfection much closer to the retail sale, but the claim language does not exclude the process being performed close to retail sale.

Next, Applicant argues that Kross teaches away from the present invention by avoiding or minimizing an oxidizing germicide in treating animal carcasses. Examiner points out that the reliance on Kross was for an obviousness rejection and therefore, the reference was relied on solely for the teaching that the use of wetting agents and thickeners in solutions, such as that used by Applicant, was well known in the art, making it obvious to use a wetting agent and/or a thickener in order to facilitate the contact of the solution with the meat surfaces.

The instant claims do not claims a particular processing of the meat carcass. The claimed processing is not seen to define over the teachings of Mitchell and Fujita.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah L. Kuhns whose telephone number is 571-272-1088. The examiner can normally be reached on Monday - Friday from 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached at 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



MILTON I. CANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLK